

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

ESTATE OF GEORGE BERNARD
WORRELL, JR.,

Plaintiff,

vs.

Case No. 4:22-cv-11009-FKB-DRG
District Judge F. Kay Behm
Magistrate Judge David R. Grand

THANG, INC.; GEORGE CLINTON;
SONY MUSIC ENTERTAINMENT;
UNIVERSAL MUSIC GROUP;
WARNER BROTHERS RECORDS;
HDH RECORDS; WESTBOUND
RECORDS; and SOUNDEXCHANGE, INC.,

Defendants.

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PLAINTIFF'S RULE 26 INITIAL DISCLOSURES

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

Plaintiff, the Estate of Bernard Worrell, Jr. (“Plaintiff”), hereby provides its initial disclosures in the above-captioned matter pursuant to Federal Rules of Civil Procedure, Rule 26(a)(1) (“Initial Disclosures”).

These Initial Disclosures are based on Plaintiff’s current information and documentation, and are made without waiving Plaintiff’s right to assert any and all objections as to the competency, relevancy, materiality, privilege, work product, use, or admissibility as evidence, for any purpose, of any of these Initial Disclosures or the subject matter thereof in the present matter. Nothing in these Initial Disclosures shall constitute an admission or concession on behalf of Plaintiff with respect to any issues of fact or law.

Plaintiff’s investigation is ongoing. Plaintiffs will abide by their continuing obligation to supplement these Initial Disclosures with new and responsive information as such becomes known and available.

i. Individuals Likely to Have Discoverable Information

On information and belief, the following individuals are likely to have discoverable information in support of Plaintiff’s claims:

- 1) George Clinton – Information regarding his relationship and business dealings with George Bernard Worrell Jr. (“Bernie Worrell”).

- 2) Archie Ivie – Information regarding the management and business affairs of Clinton and Thang, Inc (“Thang”).
- 3) Howard Hertz – Information regarding prior litigation between the parties.
- 4) Billie Nelson – Information regarding Clinton and Thang’s conduct during relevant period of time as well as information regarding the creation of the Works.
- 5) Grady Thomas – Information regarding Clinton and Thang’s conduct during relevant period of time as well as information regarding the creation of the Works.
- 6) Named performers on the subject Works regarding Clinton and Thang’s conduct during relevant period of time as well as information regarding the creation of the Works.
- 7) Custodian of Records and FRCP30(b)(6) representative for any party or company paying/owing royalties to any other party.
- 8) Defendant Thang, Inc’s FRCP 30(b)(6) designee.
- 9) Individuals named in documents to be produced by the parties or obtained from third-parties.

ii. Documents to Support Plaintiff’s Claims

Plaintiff is not presently aware of the full scope of documentation in the Defendants possession, custody, or control, Plaintiff is not presently aware of the

full scope of documentation responsive to their claims that will become discoverable as discovery proceeds.

Subject to Plaintiff's continuing obligations to supplement, Plaintiff answers as follows:

- Will of Bernie Worrell dated March 10, 2016;
- Letters Testamentary filed May 1, 2019 in the Superior Court of the State of Washington for Whatcom County appointing Judith Worrell the Executrix of Mr. Worrell's will;
- Transcript of George Clinton's deposition taken on May 10, 2019;
- All documents filed in connection with the prior New York Action between the parties;
- Credits and liner notes related to the Works at issue in this Action;
- All documents linked to the <https://georgeclinton.com/family/> webpage;
- Original recording agreements related to the Works;
- Accounting statements related to the Works;
- Inducement letters related to the Works;
- Letters of direction related to the Works;
- Documents related to the exploitation of the Works;
- Documents related to the exploitation of Bernie Worrell's name, image, likeness and performance;

- All copyrights related to the Works and related agreements;
- Documents related to the creation and recording of the Works.

iii. Damages & Relief Sought

Plaintiff seeks the below-described categories of damages. This matter is at the onset of discovery, and, as such, Plaintiff's computation of the underlying damages is limited to its present information and belief. Plaintiff relies on the pending discovery process to ascertain the full scope and scale of damages to which it is entitled. Plaintiff will abide by its continuing obligation to supplement the below as such new information is gained throughout the litigation. Plaintiff will seek redress for the following, the full computation and scope of which will be proven at trial:

- a. A judgment in favor of Plaintiff and against Defendants for the amount of damages proven at trial;
- b. A judgment in favor of Plaintiff and against Defendants awarding punitive or exemplary damages to the fullest extent permitted by law;
- c. A judgment in favor of Plaintiff and against Defendants awarding Plaintiff the costs, attorney's fees, and reasonable expenses of litigation to the fullest extent permitted by law;
- d. A declaration that Plaintiff is a co-owner of all rights and interests in and to the Works, including worldwide copyrights therein, and thus has

a continuing right to directly administer and control the use and exploitation of those interests, and to collect and receive royalties and other monies arising from the sale and exploitation thereof;

- e. A declaration that Mr. Worrell was a co-creator, principal performer and producer of the Works and that Plaintiff is therefore entitled to collect Mr. Worrell's share of performer and producer royalties payable by SoundExchange and any other applicable societies and organizations throughout the world for the performance of sound recordings embodying the Works;
- f. A declaration that Defendants have no right to use, reproduce, publish or authorize others to use, reproduce, publish or exploit the Works or any other recordings, including audio and/or audiovisual recordings, containing Worrell's name, image or likeness;
- g. A preliminary injunction to prevent Defendants from further entering into any third-party agreements with respect to the Works and any use of Mr. Worrell's name, image and likeness until the final judgement in this Action is reached to prevent further irreparable harm to Plaintiff;
- h. Orders authorizing a full accounting of the sums due to Plaintiff pursuant to the exploitation of all Works; and
- i. Such other relief as the Court deems just and proper.

iv. **Relevant Insurance Agreements**

On information and belief, there are no applicable insurance agreements under which an insurance business may be liable to satisfy all or part of a possible judgment in this action or to indemnify or reimburse for payments made to satisfy the judgment.

Respectfully submitted,
DICKINSON WRIGHT PLLC

/s/ Daniel D. Quick
Daniel D. Quick (P48109)
Attorneys for Plaintiff

Dated: October 16, 2023

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2023, I served the foregoing document upon all counsel of record via their e-mail addresses of record, as stated in the above caption.

By: /s/ Daniel D. Quick

4891-3543-2582 v2 [101112-1]